

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CALEB HEATH PHILLIPS,

Petitioner,

v.

BILLY BROWN

Warden,

Respondent.

CIVIL ACTION FILE
NO. 1:07-CV-1601-TWT

ORDER

This is a pro se habeas corpus action. It is before the Court on the Report and Recommendation [Doc. 7] of the Magistrate Judge recommending denying the Respondent's Motion to Dismiss Petition as Untimely [Doc. 5]. The Magistrate Judge correctly applied the "mail box rule" to find that the Petition was timely. The Court approves and adopts the Report and Recommendation as the judgment of the Court. The Respondent's Motion to Dismiss Petition as Untimely [Doc. 5] is DENIED.

SO ORDERED, this 8 day of January, 2008.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge